

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a) Case No. 16-cv-1054 (DTS)
Delaware corporation,)

Plaintiff,)

v.)

FEDERAL INSURANCE COMPANY,)
an Indiana corporation, and ACE)
AMERICAN INSURANCE)
COMPANY, a Pennsylvania)
corporation.)

Defendants.)

**JOINT MOTION
REGARDING CONTINUED
SEALING**

Documents have been filed under temporary seal in connection with the
following actions:

Defendant's Motion to Bifurcate (Dkt. 899); and

Plaintiff's Opposition to Motion to Bifurcate (Dkt. 910)

Pursuant to LR 5.6, the parties submit this Joint Motion Regarding Continued Sealing.

DKT. NO.	DKT. NO. OF REDACTED VERSION (IF FILED)	DESCRIPTION OF DOCUMENT	PRECISELY IDENTIFY: a) The information that the parties agree should remain sealed; b) The information the parties agree should be unsealed; and c) The information about which the parties disagree.	NONPARTY THAT DESIGNATED DOC. CONFIDENTIAL (IF ANY)	REASON WHY DOCUMENT SHOULD REMAIN SEALED OR BE UNSEALED
900	901	Defendant's Memorandum in Support of Motion to Bifurcate	a) The parties agree the information contained in the memorandum including information related to the price of Blaze licenses sold by FICO to third parties should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could use to demand better pricing.</p> <p>The filing party has filed a redacted version disclosing all non-sensitive information.</p>
903	920 (redacted)	Exhibit A to Fleming Declaration in Support of Motion to Bifurcate (Expert Report of Neil Zoltowski)	a) The parties agree the information contained in the memorandum including FICO's pricing information should remain sealed.		<p>Previously sealed at 408 and redacted at 622</p> <p>The following information should remain sealed to:</p> <p>Protect FICO's pricing information, including the pricing given to a certain customer, which</p>

					<p>competitors may use to compete better against FICO or customers could use to demand better pricing.</p> <p>The filing party has filed a redacted version disclosing all non-sensitive information.</p>
903-1	917 (unsealed)	Exhibit B to Fleming Declaration in Support of Motion to Bifurcate (Supplemental Expert Report of Neil Zoltowski)	b) the parties agree the information may be unsealed.		The document has been re-filed <u>unsealed</u> because no confidential or business sensitive information exists in the filing.
903-2	918 (unsealed)	Exhibit C to Fleming Declaration in Support of Motion to Bifurcate (Supplemental Expert Report of Neil Zoltowski)	b) the parties agree the information may be unsealed.		The document has been re-filed <u>unsealed</u> because no confidential or business sensitive information exists in the filing.
903-3	921 (redacted)	Exhibit D to Fleming Declaration in Support of Motion to Bifurcate (expert report of William S. McCarter)	a) The parties agree the information contained in the memorandum including Defendants' rules chart and component view of its CSI eXPRESS application. (See Report pgs. 25 & 26) should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect detailed technical information relating to Defendants' proprietary software applications, including rule usage and application components. Defendants spent significant time and resources into developing its technological architecture, which a competitor could use to gain an advantage in developing its own similar software.</p>

					<p>The filing party has filed a redacted version disclosing all non-sensitive information.</p> <p>This document was previously sealed as Dkt. 365 with a redacted copy at Dkt. 594.</p>
903-4	905	Exhibit E to Fleming Declaration in Support of Motion to Bifurcate Declaration of Ramesh Pandey	The parties agree the information contained in the memorandum including Details of Defendants' software redesign project should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect details surrounding Federal's Blaze replacement project, which includes details of an ongoing, private business relationship with a third-party vendor that may be harmful to Defendants if prematurely disclosed to the marketplace or competitors.</p> <p>The filing party has filed a redacted version disclosing all non-sensitive information.</p> <p>This document was previously sealed as Dkt. 441 with a redacted copy at Dkt. 649.</p>
903-5		Exhibit E(a) to Fleming Declaration in Support of Motion to Bifurcate Exhibit A to Declaration of Ramesh Pandey	The parties agree the information contained in the memorandum including proprietary software component diagram should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect detailed technical information relating to Defendants' proprietary software applications,</p>

					<p>including rule usage and application components. Defendants spent significant time and resources into developing its technological architecture, which a competitor could use to gain an advantage in developing its own similar software.</p> <p>This document was previously sealed as Dkt. 441-1.</p>
903-6	919 (unsealed)	Exhibit F to Fleming Declaration in Support of Motion to Bifurcate (excerpts from the deposition of Randolph Bickley Whitener)	b) the parties agree the information may be unsealed.		The document has been re-filed <u>unsealed</u> because no confidential or business sensitive information exists in the filing.
910	911	Plaintiff's Memorandum in Opposition to Defendant's Motion to Bifurcate	The parties agree the information contained in the memorandum including FICO's pricing practices and Defendants' service arrangements should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could use to demand better pricing and to protect Defendants' inter-company service agreements that contain highly sensitive business information regarding strategy for product development and services within the Chubb</p>

					<p>Group of Insurance Companies. Competitors could gain unfair advantages from these contracts by learning intricate details about Chubb's business strategy.</p> <p>The filing party has filed a redacted version disclosing all non-sensitive information.</p>
913		Exhibit 3 to Erbele Declaration in Opposition to Motion to Bifurcate Excerpts from Deposition of Lawrence Wachs	The parties agree the information contained in the memorandum including FICO's pricing practices and how Federal used Blaze should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could use to demand better pricing and protect information relating to Federal's proprietary software applications.</p>
913-1	912-3	Exhibit 4 to Erbele Declaration in Opposition to Motion to Bifurcate Software License Agreement	The parties agree the information contained in the memorandum including FICO's pricing practices should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could use to demand better pricing.</p>

					<p>The filing party has filed a redacted version disclosing all non-sensitive information.</p> <p>This document was previously sealed as Dkt. 374-2 with redactions at Dkt. 596-2.</p>
913-2		Exhibit 6 to Erbele Declaration in Opposition to Motion to Bifurcate Exhibit to Deposition of John Taylor (Inter-party service agreement)	The parties agree the information contained in the memorandum including Defendants' service arrangements should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect Defendants' inter-company service agreements that contain highly sensitive business information regarding strategy for product development and services within the Chubb Group of Insurance Companies. Competitors could gain unfair advantages from these contracts by learning intricate details about Chubb's business strategy.</p> <p>Similar documents were previously sealed at Dkt. 513-1.</p>
913-3	912-5	Exhibit 7 to Erbele Declaration in Opposition to Motion to Bifurcate FICO Interrogatory Answer identifying lost license calculations	The parties agree the information contained in the memorandum including FICO's pricing practices should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could</p>

					<p>use to demand better pricing.</p> <p>The filing party has filed a redacted version disclosing all non-sensitive information.</p> <p>A prior version of this document with similar information was previously sealed at Dkt. 412 & 630-10.</p>
913-4		Exhibit 8 to Erbele Declaration in Opposition to Motion to Bifurcate Excerpts of deposition of William Waid	The parties agree the information contained in the memorandum including FICO's pricing practices should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could use to demand better pricing.</p> <p>This document was previously sealed at Dkt. 503-10.</p>
913-5		Exhibit 9 to Erbele Declaration in Opposition to Motion to Bifurcate Exhibit A to Declaration of William Waid in Support of Motion to Compel previously filed as Dkt. 79	The parties agree the information contained in the memorandum including FICO's pricing practices should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could</p>

					<p>use to demand better pricing.</p> <p>This document was previously sealed at Dkt. 79-1</p>
913-6	912-10	Exhibit 14 to Erbele Declaration in Opposition to Motion to Bifurcate Expert Report of Neil Zoltowski	The parties agree the information contained in the memorandum including FICO's pricing information should remain sealed.		<p>The following information should remain sealed to:</p> <p>Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could use to demand better pricing.</p> <p>The filing party has filed a redacted version disclosing all non-sensitive information.</p> <p>This document was previously sealed at Dkt. 408 and redacted at Dkt. 622.</p>
913-7	912-11	Exhibit 15 to Erbele Declaration in Opposition to Motion to Bifurcate Expert Report of Bickley Whitener	The Parties agree the following information should remain sealed: FICO's client success stories and Defendants' information regarding number of rules deployed by application and the number of transactions per month. (See report pgs. 6, 7, and 24)		<p>The following information should remain sealed to:</p> <p>Protect FICO's client's confidential information regarding use of Blaze Advisor.</p> <p>Protect detailed technical information relating to</p>

					<p>Defendants' proprietary software applications, including rule usage, which a competitor could use to gain an advantage in developing its own similar software.</p> <p>The filing party has filed a redacted version disclosing all non-sensitive information.</p> <p>This document was previously sealed at Dkt. 365-1 and redacted at Dkt. 594-1.</p>
913-8	912-12	Exhibit 16 to Erbele Declaration in Opposition to Motion to Bifurcate Presentation of use of Blaze Advisor	<p>The Parties agree the following information should remain sealed:</p> <p>Defendants' internal presentation describing Defendants' business and software plans.</p>		<p>The following information should remain sealed to:</p> <p>Protect detailed technical information relating to Defendants' proprietary software applications, which a competitor could use to gain an advantage in developing its own similar software.</p> <p>The filing party has filed a redacted version disclosing all non-sensitive information.</p> <p>This document contains information similar to information sealed at Dkt. 483-7 and redacted at Dkt. 602-1.</p>

913-9	912-13	Exhibit 17 to Erbele Declaration in Opposition to Motion to Bifurcate Presentation of use of Blaze Advisor	<p>The Parties agree the following information should remain sealed:</p> <p>Defendants' internal presentation describing Defendants' business and software plans.</p>		<p>The following information should remain sealed to:</p> <p>Protect detailed technical information relating to Defendants' proprietary software applications, which a competitor could use to gain an advantage in developing its own similar software.</p> <p>The filing party has filed a redacted version disclosing all non-sensitive information.</p> <p>This document was previously sealed at Dkt. 483-7 and redacted at Dkt. 602-1.</p>
913-10		Exhibit 18 to Erbele Declaration in Opposition to Motion to Bifurcate Deposition Excerpts of Sean Baseman	<p>The parties agree the following information should remain sealed:</p> <p>How FICO's clients use Blaze Advisor</p>		<p>The following information should remain sealed to:</p> <p>Protect FICO's client's confidential information regarding use of Blaze Advisor.</p>
913-11		Exhibit 19 to Erbele Declaration in Opposition to Motion to Bifurcate Deposition Excerpts of Henry Mirolyuz	<p>The parties agree the following information should remain sealed:</p> <p>How Defendants used Blaze Advisor</p>		<p>The following information should remain sealed to:</p> <p>Protect Defendants' confidential information regarding use of Blaze Advisor.</p>

913-12		Exhibit 20 to Erbele Declaration in Opposition to Motion to Bifurcate Deposition Excerpts of Henry Mirolyuz	<p>The parties agree the following information should remain sealed:</p> <p>How Defendants used Blaze Advisor and information related to Defendants' internal applications that used Blaze Advisor</p>		<p>The following information should remain sealed to:</p> <p>Protect Defendants' confidential information regarding use of Blaze Advisor and information related to Defendants' internal applications that used Blaze Advisor.</p>
913-13		Exhibit 21 to Erbele Declaration in Opposition to Motion to Bifurcate Table of Blaze Advisor Applications	<p>The Parties agree the following information should remain sealed:</p> <p>Defendants' rules and transaction sizing table.</p>		<p>The following information should remain sealed to:</p> <p>Protect detailed technical information relating to Defendants' proprietary software applications, including rule usage, which a competitor could use to gain an advantage in developing its own similar software.</p> <p>This document was previously sealed at Dkt. 374-5 and Dkt. 483-4</p>
913-14		Exhibit 22 to Erbele Declaration in Opposition to Motion to Bifurcate Presentation of use of Blaze Advisor	<p>The Parties agree the following information should remain sealed:</p> <p>Defendants' internal presentation describing Defendants' business and software plans.</p>		<p>The following information should remain sealed to:</p> <p>Protect detailed technical information relating to Defendants' proprietary software applications, which a competitor could use to gain an advantage in developing its own similar software.</p> <p>The filing party has filed a redacted version</p>

					disclosing all non-sensitive information. This document contains information similar to information sealed at Dkt. 483-7 and redacted at Dkt. 602-1.
913-15		Exhibit 23 to Erbele Declaration in Opposition to Motion to Bifurcate Presentation of use of Blaze Advisor	The Parties agree the following information should remain sealed: Defendants' internal presentation describing Defendants' business and software plans.		The following information should remain sealed to: Protect detailed technical information relating to Defendants' proprietary software applications, which a competitor could use to gain an advantage in developing its own similar software. The filing party has filed a redacted version disclosing all non-sensitive information. This document contains information similar to information sealed at Dkt. 483-7 and redacted at Dkt. 602-1.

Dated: December 27, 2022

/s/ Joseph W. Dubis

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